

AN ORDINANCE OF THE TOWN OF STONINGTON, CONNECTICUT, REGARDING PANHANDLING AND FRAUDULENT SOLICITATION.

WHEREAS, The Town of Stonington currently has an Ordinance adopted November 27, 1979, which prohibits loitering;

WHEREAS, Said Ordinance does not provide restrictions to the extent necessary to curtail the actions of panhandling and fraudulent solicitation;

WHEREAS, Section 7-148 of the General Statutes of Connecticut, Revision of 1958, as amended, specifically empowers Towns to Regulate the use of streets, sidewalks, highways, public places and grounds for public and private purposes;

WHEREAS, Section 7-148 of the General Statutes of Connecticut specifically empowers the Town to regulate and keep streets, sidewalks and public places free from undo noise and nuisances; and

WHEREAS, Section 7-148 of the General Statutes of Connecticut specifically empowers the Town to make and enforce police, sanitary or other similar regulations to protect to promote the peace, safety, good government and welfare of the municipality and its inhabitants.

NOW THEREFORE, BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN A LAWFUL SPECIAL TOWN MEETING DULY ASSEMBLED THAT THE FOLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF STONINGTON:

Section 1. That the code of ordinances of the Town of Stonington be amended by adding a section to be entitled: Panhandling And Fraudulent Solicitation, as follows:

A. For purposes of this section, “panhandling”, means any solicitation made in person requesting an immediate donation of money. The purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation shall be considered a donation. “Panhandling” does not include passively standing or sitting with a sign or other non-verbal indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

B. No person shall panhandle after sunset or before sunrise on any street, sidewalk, public right-of-way, or other public property.

C. No person shall panhandle any person(s):

1. At a bus stop or train stop;
2. In a public transportation vehicle or facility;

3. In a vehicle on the street; or
4. On private property, unless the panhandler has written permission from the owner or occupant of the private property.

D. No person shall panhandle on any street, sidewalk, public right-of-way, or public property by:

1. Blocking the path of the person being asked for a donation;
2. Following a person who walks away from the panhandler; or
3. Making any statement, gesture, or other communication by which the panhandler knowingly causes another to believe that the panhandler will cause physical harm to the person or property of the other person.

E. No person shall knowingly make any false or misleading representation in the course of panhandling. False or misleading representations include, but are not limited to, the following:

1. Stating that the donation is needed to meet a specified need, when the panhandler already has sufficient funds to meet that need and does not disclose that fact;
2. Stating that the donation is needed to meet a need which does not exist;
3. Stating that the panhandler is from out of town and stranded, when that is not true;
4. Wearing a military uniform or other indication of military service, when the panhandler does not suffer the disability indicated;
5. Wearing or displaying an indication of physical disability, when the panhandler does not suffer the disability indicated;
6. Use of any makeup or device to simulate any deformity; or
7. Stating that the panhandler is homeless, when the panhandler is not.

F. No person shall panhandle stating that the donation is needed for a specific purpose and then spend the donation received for a different purpose.

G. Any person violating the provisions of this ordinance shall be fined not more than one hundred dollars (\$100.00) for each offense.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given effect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

Section 4. This ordinance shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a substantial circulation within the Town of Stonington.

Approved: September 21, 2011

Effective: October 11, 2011